

CHAPTER NO. 160

HOUSE BILL NO. 3291

By Representatives Hood, Rowland, Beavers

Substituted for: Senate Bill No. 3246

By Senator Trail

AN ACT to amend Chapter 55 of the Private Acts of 1951; as amended by Chapter 125 of the Private Acts of 1955; Chapter 68 of the Private Acts of 1957; Chapter 84 of the Private Acts of 1961; Chapter 115 of the Private Acts of 1963; Chapter 125 of the Private Acts of 1963; Chapter 191 of the Private Acts of 1967; Chapter 143 of the Private Acts of 1969; Chapters 263 and 391 of the Private Acts of 1972; Chapter 73 of the Private Acts of 1975; Chapter 53 of the Private Acts of 1977; Chapter 149 of the Private Acts of 1981; Chapter 4 of the Private Acts of 1985 and Chapter 155 of the Private Acts of 1998; and any other acts amendatory thereto, to authorize the Rutherford County Highway Commission and Superintendent to work on public drainage easements and to provide for the maintenance of public drainage easements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 55 of the Private Acts of 1951, as amended by Chapter 231 of the Private Acts of 1976, Chapter 4 of the Private Acts of 1985, Chapter 155 of the Private Acts of 1998, and any other acts amendatory thereto, is amended by deleting it in its entirety the first sentence of Section 3 and by substituting instead the following:

Section 3. That there is hereby created the office of County Highway Superintendent for Rutherford County, Tennessee. Said County Highway Superintendent shall have direct supervision of the construction and maintenance of all county roads, highways and bridges in the county under the authority and direction of the County Highway Commission and shall have direct supervision of the work, construction and maintenance of all county public drainage easements as designated by the County Highway Commission and approved by the County Legislative Body.

SECTION 2. Chapter 55 of the Private Acts of 1951, and any other acts amendatory thereto, is further amended by adding the following as a new section immediately following Section 13 and by renumbering subsequent sections as appropriate:

Section 14. In addition to the authority established for highway departments under the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2, the County Highway Commission is authorized to exercise supplemental powers as established by this act or any other act of the General Assembly effective in Rutherford County, whether currently in force or enacted in the future. The County Highway Commission be further empowered, as far as it may be within the law, to enter upon, work and maintain public drainage easements acquired by the county to provide for the water drainage and run-off within said public drainage easements. That in entering upon, working and maintaining public drainage easements, the County Highway Commission is vested with the power to condemn under the laws of eminent domain in all lands necessary and in addition to act under the powers of eminent domain as set forth in Section 15 of Chapter 55 of the Private Acts of 1951, as amended.

On or before the January 2003, session of the County Legislative Body, the County Legislative body shall establish an official list of recognized public drainage easements in Rutherford County after receiving the recommendation of the Planning Department which recommendation shall be subject to the advice and consent of the County Highway Commission. Thereafter, each January the County Legislative Body shall update such list, after receiving any recommendations for changes, amendments, additions or deletions from the Planning Department which changes, amendments, additions or deletions must have the advice and consent of the County Highway Commission. Such recommendations shall include a summary of all changes from the public drainage easement listing submitted the previous year. In exercising authority over the work, construction and maintenance of public drainage easements, the County Highway Commission shall only perform such work on public drainage easements which shall have been included on the official list of recognized public drainage easements as established by the County Legislative Body.

SECTION 3. All laws or parts of laws in conflict herewith are hereby repealed. If for any reason any section of this Act, or part thereof, shall be held unconstitutional or invalid, such holding shall not affect any other section or part of this Act, each and all sections hereof having been considered as passed separately, in whole or in part, independent of any single section or other section thereof.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.


SECTION 5. For the purposes of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective October 1, 2002, upon being approved as provided in Section 4.

PASSED: June 19, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR